IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1306 OF 2001

Shri Keerjit Jayantilal Shah
residing at 9, Navyug Society,
4th Road, Juhu Scheme,
Vile Parle (West), Mumbai
400 056. ....Petitioner.

V/s

1. Shri Pravin Ranchoddas Chowhan
Proprietor of M/s Pravin & Co.
residing at 3rd Road, 21, Mani
Para House, 1st Parsiwada
Mumbai - 400 004.

2. The State of Maharashtra ....Respondents.

Mr. Amit Desai i/b Prakash Naik for the petitioner.
Mr. Y.S. Shinde, APP for the State.
Smt. S.R. Megha i/b Mehta and Girdharlal for
respondent No.1

CORAM: V.M. KANADE, J.

DATE: 28th March, 2006

P.C.

1. The parties have filed Consent Terms in which it is stated that the complainant does not wish to prosecute the petitioner herein and he has no objection if the Criminal Case No.40/S/2000 pending in the Court of the Additional Chief Metropolitan Magistrate's IVth Court at Girgaum, Mumbai is quashed. The respondent No.1 has further given an undertaking to this Court that he would not interfere with the

use, occupation, possession and enjoyment of the premises by the petitioner and the other members of the family of Shri K.J. Shah. It is further stated that both, the petitoner and responent No.1 withdraw the allegations made by them against each other in the said case.

2. The Consent Terms are taken on record and marked "X" for identification. The Consent Terms are signed by the parties and their respective counsel. The Criminal Case was filed by respondent No.1 under section 341, 427 read with section 120B of the Indian Penal Code. It is submitted that the said offence is a compoundable offence and since the Writ Petition is filed in this Court, the Consent Terms have been filed in this Court.

3. I have perused the Consent Terms which are taken on record. The petitoner is present in Court. Since the said offence is compoundable, there is no point in relegating the petitioner to move the Court of Metropolitan Magistrate by making an application for compounding the case since the respondent No.1 who has signed the Consent Terms has no objection for quashing the complaint. The Criminal Case No. 40/S/2000 pending in the Additional Chief Metropolitan

Magistrate's IVth Court at Girgaum, Mumbai is quashed against both the accused. The undertaking given by respondent No.1 in the Consent Terms is accepted.

4. The Criminal Writ Petition is allowed in the above terms.

5. The Criminal Writ Petition is accordingly disposed of.

6. C.C. expedited.

V.M. KANADE, J.